Second Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons

New York, 27 November–1 December 2023

Challenging Nuclear Secrecy: Barriers to Access and Ethics of Nuclear Archives

Working paper submitted by the Nuclear Truth Project

I. The Nuclear Truth Project

1. In early 2021, the Nuclear Truth Project (NTP) came together as a group of affected community and organisational leaders from several regions impacted by nuclear harms. The Project was instigated as a response to the entry into force of the Treaty of the Prohibition of Nuclear Weapons (TPNW), adopted on July 7th 2017, and entering into force on 22 January 2021. The positive obligations within Articles 6 & 7 for victim assistance and environmental remediation provided a particular incentive for the new organisation. The TPNW’s positive obligations mark a major shift in international humanitarian disarmament law, recognising the need for assistance and remediation for communities and in places impacted by nuclear weapons use and testing.

2. The Nuclear Truth Project seeks to address broad issues of nuclear harms. These arise from all nuclear related activities, including nuclear weapons (both through use and threat of use), legacies of nuclear testing, on-going harms due to uranium mining, uranium refining, nuclear power, resultant radioactive waste streams and associated nuclear industries. All these activities pose risks to humanity and our living planet.

3. Central to the Nuclear Truth Project are calls for openness and transparency, accountability and redress for those people and places who have been harmed, and minimization of future harms from nuclear activities.

II. Articles 6 and 7 of the TPNW

4. Article 6 of the TPNW calls for affected community members to be provided with “age- and gender-sensitive assistance, without discrimination, including medical care, rehabilitation and psychological support.” Additionally, Article 6 calls for environmental remediation for areas contaminated “as a result of activities related to the testing or use of nuclear weapons or other nuclear explosive devices”.
5. Article 7 creates positive obligations between States Parties around international cooperation and assistance to these efforts. This includes States Parties in a position to do so providing, “technical, material and financial assistance to States Parties affected by nuclear weapons use and testing.” In addition, Article 7 makes clear that, “a State Party that has used or tested nuclear weapons or any other nuclear explosive devices shall have a responsibility to provide adequate assistance to affected States Parties, for the purpose of victim assistance and environmental remediation.

6. For these positive obligations to take effect, affected communities and civil society organisations are increasing their calls for access to official state records on nuclear weapons use and testing.

7. While the TPNW’s Articles 6 and 7 are limited to nuclear weapon testing and use, other elements of the Treaty implicate a broader range of activities. The preamble refers to “nuclear weapon activities”, while Article 2 on declarations and Article 4 on elimination refer to “nuclear weapon programmes”, including all nuclear-weapon-related facilities. Opening archives related to uranium mining, nuclear weapon production, maintenance, and modernisation, deployment on various delivery systems, nuclear waste storage, and other related activities, is also important for understanding and addressing the full scope of the impacts nuclear weapons have on people, animals, lands, and waters.

8. While states that undertook nuclear weapon testing and use continue to stand outside of the Treaty for now, there is a role for States Parties to the TPNW in pushing for accountability for events that took place or impacted their territories and people. Nuclear complicit states, those who aid and assist nuclear-armed states, may also be expected to address these humanitarian obligations. For many states that had nuclear weapons testing conducted on their territories while under colonial control of another state, and certainly for many affected community members, these positive obligations around assistance and remediation offer an avenue for nuclear accountability that has never been available before. However so much depends on effective access to records, and a removal of entrenched nuclear secrecy and historical silences.

9. In light of these understandings, the Nuclear Truth Project commends to the Second Meeting of States Parties the report, “Challenging Nuclear Secrecy: a discussion of ethics, hierarchies and barriers to access in nuclear archives.”

III. The Challenging Nuclear Secrecy Report

10. A lack of access to official records has been identified as problematic for many affected community members. The report highlights the limitations of nuclear secrecy, and explores issues related to privileged and tiered access to official records and archives held by many institutions. The report also invites inquiry into what it will take for affected communities to be at the centre of work to implement Article 6 and 7 of the Treaty on the Prohibition of Nuclear Weapons.

11. Affected community testimony has become indispensable in advocacy and research, but largely in the absence of ethical considerations about its acquisition, distribution and attribution. This has compounded harms for some affected community members. Processes for accessing nuclear information often do not align with the priorities of affected communities. This necessitates both a reliance on community memory and the development of novel strategies towards access.

12. The report describes nuclear secrecy as “the deliberate concealment or restriction of access to information related to nuclear weapons, nuclear energy or nuclear technology.” The report finds that nuclear states have a variety of strategies
to uphold this secrecy, including, but not limited to strategies designed to “restrict”, “scatter” and “discredit”.

13. For governments and policy makers committed to openness, transparency and redress for the legacy of nuclear harms, this report offers suggestions for developing accountability and resourcing capacity in affected communities.

14. For affected communities seeking information on nuclear harms, this report offers a guide to relevant archives and strategies for accessing records which may otherwise be classified. It also highlights ethical issues raised by other members of affected communities surrounding the creation and use of nuclear archives.

IV. The calls from the Challenging Nuclear Secrecy report

15. The Challenging Nuclear Secrecy report concludes with three key calls to those engaging with the Treaty on the Prohibition of Nuclear Weapons:

   (a) Understanding that nuclear secrecy is sustained unjustly and to the detriment of affected communities, we call on States to commit to openness and transparency with their nuclear archives;

   (b) Understanding that privileged and hierarchical access for some has entrenched barriers for affected communities, we call on governments, institutions and civil society to reform such practices;

   (c) Understanding that affected communities maintain community memory in place, we call for greater resourcing for alternatives for archival justice.

16. We commend these calls to the Second Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons, being held in November 2023 at the United Nations in New York.